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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1282nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 August 1998, at 3 p.m.

Chairman: Mr. ABOUL-NASR

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Twelfth and thirteenth periodic reports of Morocco (CERD/C/298/Add.4; HRI/CORE/1/Add.23) (continued)

1. At the invitation of the Chairman, Mr. Benjelloun Touimi, Mr. Belmahi and Mr. Majdi (Morocco) took places at the Committee table.

2. Mr. BENJELLOUN TOUIMI (Morocco), Permanent Representative of Morocco to the Office of the United Nations in Geneva, introducing the report of Morocco (CERD/C/298/Add.4), said that that document combined the twelfth and thirteenth periodic reports of his country.

3. In the course of the 1990s, the Kingdom of Morocco had taken a number of normative and institutional measures to improve and increase respect for human rights and a number of concrete initiatives in their favour. That effort had been expanded to include the revision of the Constitution and the creation of a bicameral Parliament, thereby setting the stage for early general elections, which had resulted in a Government of a different complexion. Its formation, under the leadership of Mr. El Youssoufi, a member of the opposition who had long worked in Geneva in non-governmental human rights organizations, constituted an historic moment in the modernization of Morocco's political life.

4. Presenting his Government's programme in Parliament on 17 April 1998, the Prime Minister had stated that "the defence of universally recognized human rights constitutes one of the essential policies of the Government". That commitment must lead to a final settlement of a number of situations still pending by bringing legislation into line with the international instruments to which Morocco was a party and by a more sustained effort to promote the culture of human rights. The reform of the judiciary would be given priority in the Government's action.

5. As an extension of that positive development, Morocco was endeavouring to strengthen that action by fostering the culture of human rights at all levels of society so that all citizens became imbued with human rights values in their public and private lives. At the level of secondary education, the objective was to prepare pupils to become receptive to the basic principles of human rights and to adopt positions and behavioural patterns which showed that they had become aware of those rights and respected those of others. That human rights education programme was being implemented in cooperation with the United Nations High Commissioner for Human Rights in accordance with an agreement on the subject signed in 1997.

6. In addition to those measures, Morocco was endeavouring to broaden and intensify the dialogue and cooperation with national associations directly or indirectly involved with human rights questions in order to adopt solutions which showed the greatest respect for human rights. It was also seeking to expand and intensify the dialogue with international and regional governmental and non-governmental organizations so as to consolidate cooperation and give

Morocco a more dynamic role on the international scene. In that context a first meeting of Mediterranean national institutions had been held in Marrakesh in April 1998; it had been attended by the High Commissioner for Human Rights, Ms. Mary Robinson. Subsequently, in May 1998 the Secretary-General of Amnesty International had visited Morocco to inaugurate the offices of that organization in Rabat and have a number of meetings with both members of the Government and representatives of civil society.

7. Those decisions and measures, although not directly linked to the provisions of the Convention, had nevertheless given positive impetus to the strengthening of the legal, administrative and judicial framework of human rights protection.

8. Concerning the International Convention on the Elimination of All Forms of Racial Discrimination, the various reports submitted to the Committee showed that the Moroccan authorities had never recorded any violations of that instrument.

9. On the subject of article 4 and the need for all countries to enact criminal legislation specifically punishing acts of racial discrimination, the Prime Minister had not failed to point out in his Government's statement in Parliament that the "Moroccan Government would bring Moroccan legislation into line with international instruments" as concerned human rights.

10. Mr. de GOUTTES (Country Rapporteur for Morocco) was pleased that the Government of Morocco was regularly fulfilling its treaty obligations. In so doing it was demonstrating a praiseworthy determination to maintain a regular dialogue with the Committee, which was not the case with all States parties. He also welcomed the presence of a high-level Moroccan delegation and expressed appreciation of the quality of the oral presentation it had just delivered.

11. The consideration of the periodic report of Morocco was of particular interest to the Committee. Firstly, Morocco had a key position owing to its special role as a bridge between the European and the African and Islamic worlds, and also its stability in a region which had too often had to face internal divisions and currents of fanaticism or intolerance. Secondly, in recent years Morocco had gradually committed itself to reform, modernization, openness and strengthening the rule of law, an enterprise which the Committee could not but support and encourage.

12. In the light of that very positive trend and the special attention which the Committee had given to Morocco's latest report, the thirteenth periodic report did not appear to meet the Committee's expectations. The oral explanations provided by the delegation had to a certain extent updated the core document, which had not been modified since 28 April 1993. But as to the report as such, the information contained in both parts was rather perfuntory, too exclusively legal and too restricted to an enumeration of texts. It did not cast sufficient light on the practical, concrete and effective implementation of the provisions of the Convention in Morocco. Nor did it answer certain questions posed and observations made by the members of the Committee in 1994 during the consideration of the previous report, in particular on the subject of the four main points which had been raised at that time, namely the insufficient data on the ethnic composition of the

population; the failure to bring Moroccan domestic legislation into line with the requirements of article 4 of the Convention; the absence of statistical data and practical examples of court decisions following complaints of acts of racial or ethnic discrimination; and the insufficiency of the information on the situation of certain population groups likely to be targets of discrimination.

13. The report did, however, contain some interesting information on land and people, general political structure, authorities with jurisdiction for the protection of human rights, remedies available in the event of violation of human rights and publicity and information on human rights. It also contained a number of positive elements: the constitutional affirmation of respect for human rights; the possibility of directly invoking ratified international conventions in the courts; establishment of machinery to monitor the implementation of the recently ratified Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Chld; the entry into force of the Convention against Torture; the establishment of the Human Rights Advisory Council and the Ministry of Human Rights; the constitutional guarantee of equality of all citizens before the law and the rights of foreigners in Morocco; and the initiation by the King in 1994 of steps towards a revival of the Berber language and culture.

14. But that information needed to be fleshed out on a number of points. Firstly, concerning the composition of the population, he noted that, when the eleventh periodic report of Morocco had been considered, the Committee had reiterated the need to have information on the ethnic characteristics of the population and had asked the Moroccan delegation to indicate why the authorities had carried out studies and censuses solely on the basis of socio-economic criteria, and not ethnic, racial or linguistic ones, which would have given a more complete idea of the population. Unfortunately, paragraphs 2 and 3 of the report only provided a few brief figures from 1994 and 1995 on the total population of the country, the average density, the working population and the proportion of Moroccans living in rural or urban areas. Those figures still failed to enlighten the Committee on the ethnic characteristics of the Moroccan population. He reiterated the Committee's request in that regard and hoped that the Morocan delegation would provide more complete information in its next periodic report.

15. The second point which needed to be developed concerned the general political, economic and social context in the country, on which paragraphs 1 to 16 of the thirteenth report did not provide sufficiently detailed and recent information. That was all the more regrettable in that the Government surely had much to say, since it had committed itself in recent years to strengthening the rule of law, improving the situation of human rights and undertaking a vast project of reform, modernization and a gradual political and economic opening - all subjects in which the Committee was very interested.

16. In particular, he asked the delegation to provide updated information on the process of political change embarked upon by the King and the lessons which could be drawn from the coexistence within the Government of rival political forces.

17. The Committee would also like to obtain more details about the basic reforms undertaken in the area of the judiciary. He had in mind initiatives by the Minister of Justice to combat corruption, to restructure the judicial system, to improve the training of judges and reform their status, to humanize conditions of detention in overcrowded prisons and to revise the criminal procedure and the prison code. Turning to the social, economic and administrative fields, he asked the delegation to inform the Committee what progress had been made with the plans to modernize secondary and vocational education, combat illiteracy and unemployment and create a national solidarity and regional development fund with a view to better offsetting the regional imbalances between the wealthiest and the economically most disadvantaged regions which still existed.

18. Updated information was also necessary on developments in the Western Sahara issue and the implementation of the United Nations settlement plan and the Houston agreements in that regard.

19. In keeping with the Committee's usual request, it would be useful for the Moroccan delegation to provide information on socio-economic indicators concerning the implementation of the Convention, since those data made it possible to identify any social group particularly exposed to marginalization and exclusion and least likely to be integrated in society.

20. In the area of human rights protection, States were no longer solely under an obligation not to do something, to refrain from taking action or interfering (as had initially been the case for civil and political rights only); they also had "positive" obligations to take a number of measures, notably economic and social, to ensure the effective realization of and full respect for certain rights, even in relations between individuals (the so-called "horizontal" effectiveness of rights), as noted by the Committee in its recommendation No. XX (48) of 1996. Those socio-economic indicators were all the more necessary in that, according to the latest annual report of the Moroccan Organization of Human Rights (OMDH), the number of persons living below the poverty line was continuing to grow under the impact of the policy of structural adjustment and the failure to comply with the social conditions attaching to privatizations. According to the OMDH, the constant deterioration of living conditions was seriously prejudicing the normal enjoyment, not only of social and economic rights, but also of civil and political rights in Morocco. In 1994 the Committee's experts had referred, among others, to the Berbers, the nomads, the Sahrawis, the Blacks and the Baha'is as the groups most likely to be disadvantaged.

21. What had been the concrete result of the activities of the Human Rights Advisory Council since its creation in 1990? What opinions and recommendations had it adopted? What practical influence had it had on the Government? How were its relations with organizations in civil society? According to the latest report of the OMDH, the Advisory Council had not met at all during the past year and had not taken any new initiative in the area of human rights protection, notably as concerned the settlement of cases of victims of enforced disappearances. The OMDH also criticized the status and composition of the Advisory Council, which, it alleged, were not in conformity with United Nations resolutions on national human rights institutions.

22. The powers of the Ministry of Human Rights seemed to be entirely consistent with the Committee's wishes and recommendations. However, the attachment of that body to the Ministry of Justice in August 1997 seemed to him liable to weaken its role, since there also existed a division responsible for humanitarian and social rights in the Ministry of Foreign Affairs, whose responsibilities included monitoring of the implementation of Morocco's commitments under international human rights instruments. The OMDH was of the view that the attachment of the Ministry of Human Rights to the Ministry of Justice formalized a de facto situation which had prevailed since 1995, namely the insignificant role of the former in the area of protecting and promoting human rights. He asked for the delegation's views on the matter.

23. The development of the role of NGOs and civil society in Morocco constituted a particularly significant advance and a very encouraging sign of an improved human rights situation. However, the Committee regretted the negative image resulting from the decision taken by the Supreme Court of Morocco on 16 July concerning Mr. Abraham Serfaty, an emblematic figure of the opposition and former member of the Moroccan Communist Party who had been sentenced to life imprisonment after being found guilty of plotting against the internal security of the State for having called for the self-determination of the people of the Western Sahara. Mr. Serfaty had been in prison for 17 years, then released and expelled to France in 1991 because he was supposedly of Brazilian nationality. By not ruling on Mr. Serfaty's nationality (Moroccan according to him, Brazilian according to the Moroccan Ministry of the Interior), the judgement of the Supreme Court of Morocco basically upheld the expulsion order and thus prohibited Mr. Serfaty from returning to his country of birth. That decision, apparently linked to new statements by Mr. Serfaty in favour of a federal structure between two States, Moroccan and Sahrawi, unfortunately risked being interpreted as a retrograde step in the area of human rights. The Moroccan delegation would no doubt wish to enlighten the Committee on the case.

24. Regarding part 2 of the report, entitled "Information in relation to articles 2 to 7", he said that many misunderstandings had arisen in connection with the assertion made in paragraph 50 that "problems of racial discrimination do not exist in Morocco" and that "Moroccans do not segregate or discriminate on the basis of race, colour, descent or origin". In the opinion of the Moroccan Government, as "the problem of racial discrimination does not arise in Morocco" (paragraph 54), the delegation was not in a position to provide information on the existence of special legislation making all forms of acts of racism an offence, as required by article 4 of the Convention; on the numbers of complaints, investigations or judgements punishing acts of racism, in conformity with article 6 of the Convention; and on the conditions in which the enjoyment of the rights specified in article 5 of the Convention was effectively guaranteed in practice without any racial or ethnic discrimination.

25. As to the implementation of articles 2 to 4 of the Convention, he noted that the State party had merely observed that equality of all before the law was anchored in the Constitution without citing any provision condemning the acts set out in article 4 of the Convention, arguing that the problem of racial discrimination did not arise in Morocco and that the general provisions of the law were sufficient to sanction any racist acts (paragraphs 54 to 60).

In general, all the texts cited in the report, apart from the specific provision of the dahir of 15 November 1958 which prohibited racial discrimination in the formation of political parties, were too general in view of the requirements of article 4.

26. In that connection, he reminded the delegation of Morocco that for the Committee, it was in any event necessary to have legislation prohibiting racism, so as to prevent any development of racism, and to enshrine in the law the commitment of the State to combating racism and promoting values of tolerance and interracial and ethnic understanding within the framework of an educational system directed to combating discrimination.

27. Likewise, the information provided in paragraphs 61 to 71 was too general and did not offer any concrete examples of measures to combat discrimination against the most disadvantaged groups, and in particular Berbers, nomads, Sahrawis, Blacks and Baha'is.

28. The Committee would be grateful to the delegation of Morocco if it could provide frank explanations on the situation of Moroccan Blacks, who were usually at the bottom of the social scale and were sometimes the victims of various forms of discrimination owing to the prejudices of certain Arabs and Berbers in the majority population. Clarification was also necessary on the situation of the Sahrawis, hundreds of whom, according to the 1998 report of Amnesty International, had disappeared in previous years, while the persons released in 1991 and the families of prisoners who had died in incommunicado detention or had suffered ill-treatment on account of their alleged support for the independence of Western Sahara had reportedly not received the compensation owed them.

29. Concerning the Baha'is, the Committee had still not received the replies to the questions it had asked when it had considered the periodic report of Morocco in 1994. It still did not know whether Baha'is were an inter-ethnic group the membership of which included Arabs, Berbers, Blacks, nomads and Sahrawis and whether they were refused passports to leave the country. On that occasion it had taken the view that the fact that the Baha'is were considered heretics was incompatible with the right of everyone to freedom of religion, conscience and expression, without any discrimination, as laid down in article 5 of the Convention. With regard to that article, he would like to have more information on the draft labour code referred to in paragraph 70 of the report, an important initiative which aimed to prohibit expressly and render punishable by fine all discrimination based on race, colour, national descent or other reason in employment or professional matters, vocational training, wages, advancement, social benefits, dismissal and disciplinary measures. Once adopted, the code would constitute an important innovation in Morocco in the fight against racial discrimination in the economic sphere.

30. In respect of the implementation of article 6, the report only indicated the remedies available in the event of violations of human rights and did not provide any example of a complaint or a judgement or any court statistics on complaints, prosecutions, sentences or decisions on compensation concerning racist offences. He reminded the delegation that the assertion that there were no racist offences did not dispense the State party from the obligation

to enact legislation, because the absence of complaints or prosecution and light sentences might be signs of a failure to inform the public, indifference on the part of the police and court authorities with regard to racist offences and leniency of the courts towards that type of offence.

31. As to the implementation of article 7 of the Convention, he said that paragraphs 74 to 78 of the report contained encouraging information on the efforts of the Moroccan Government to promote teaching of human rights in the education system and to improve awareness of human rights among the police, lawyers, doctors, judges, educators, trade unions and NGOs. He asked the Moroccan delegation for an account of those activities.

32. Having taken note of the very positive information contained in paragraphs 79 to 87 of the report on the recognition of the special features of the Berber culture and the introduction of classes in Berber dialects in schools, the Committee hoped that the Moroccan delegation would provide it with an initial assessment of the work of the commissions responsible for those questions and inform it whether concrete action had been taken to give effect to policies to promote the Berber languages and culture.

33. He noted with satisfaction the information that the Moroccan authorities had published the text of the Convention since 1970 and asked what measures the Moroccan Government had taken or intended to take to publish its periodic reports as well as the corresponding conclusions, observations and recommendations of the Committee.

34. Lastly, he asked the delegation whether the Government of Morocco planned to make the optional declaration under article 14 of the Convention and whether it had taken the requisite measures to agree officially to the amendment to article 8 of the Convention concerning the financing of the Committee.

35. Mr. VALENCIA RODRÍGUEZ asked what results had been obtained by the various bodies created by the Moroccan Government, notably the Human Rights Advisory Council, the National Council on Youth and the Future, the service of the Ministry of Justice responsible for monitoring and protecting human rights and the division of the Ministry of Foreign Affairs and Cooperation, and what results were expected from the activities of those bodies. He asked how were the activities of those bodies coordinated. He also inquired whether complaints of racist violations were heard in an administrative procedure or by courts of first instance and, lastly, whether the decisions of the competent courts were subject to appeal.

36. Concerning the implementation of article 2 of the Convention, he noted that, according to the report, there were no problems of racial discrimination in Morocco because of contacts between Moroccan society and other peoples and cultures. He was very pleased to note that the members of the Jewish community enjoyed the same rights as other citizens and hoped that the Government would continue to keep the Committee informed of developments in that policy, in particular with regard to the Berbers.

37. In respect of the implementation of article 4, he reminded the delegation that States parties were required to adopt provisions specifically prohibiting racial discrimination, even if they considered that the phenomenon did not exist in their societies.

38. In view of the dearth of information on the implementation of article 5, he asked the Moroccan Government to provide the Committee with more details, in particular concerning the civil, political, economic, social and cultural rights of the Berber population.

39. Regarding article 6 of the Convention, he inquired whether international standards, which took precedence over domestic provisions, could be directly invoked in the courts, and whether the population, and lawyers and judges in particular, had received information on the international standards on racial discrimination.

40. As to the implementation of article 7 of the Convention, it would be useful to take new measures to develop the teaching of human rights and promote the Berber culture. The Committee would like to receive information on the results obtained.

41. The information concerning radio and television broadcasts in Arabic, French, English and Spanish was satisfactory, but he would like more information about broadcasts in Berber. He also hoped that the text of the Convention, the periodic report of Morocco and the relevant conclusions of the Committee would be disseminated as widely as possible in Morocco.

42. Ms. McDOUGALL inquired what measures had been taken by the Government of Morocco to disseminate knowledge of the Convention among government officials and to heighten their awareness of the racial discrimination issues raised by it. She would also like to know about the achievements of the Advisory Councils and of programmes relating to human rights created by the Government and whether the Councils had decision-making powers. She asked the Moroccan delegation to provide the Committee with figures on cases of racial discrimination which had been referred to the courts as well as information showing how the courts had ruled. Furthermore, she inquired whether the Government had itself taken the initiative in certain instances to refer cases involving acts of racial discrimination to the courts and what the outcome had been. Finally, she asked whether needy individuals received free legal aid or some form of financial assistance so that they could institute proceedings for racist acts.

43. In view of the deficiencies already noted in the reports submitted by Morocco in 1994 and 1996, she said that it would be useful to have clarification on the socio-economic situation of the majority of Moroccan Blacks and to know whether the Government was taking active measures to combat the racial discrimination of which those persons were the victims, and in particular racist acts occurring in everyday life.

44. Reminding the delegation of the questions asked in 1994 and 1996 by Mr. Sherifis and Mr. Diaconu, she said that she would be grateful to the Moroccan delegation if it could provide the Committee information on discrimination against foreign workers and legal provisions for granting foreigners citizenship.

45. Mr. DIACONU noted that the first reference to a legislative provision on racial discrimination did not appear until paragraph 58 of the report under consideration, where mention was made of dahir 258, and paragraph 70, concerning the draft labour code. The latter suggested that racial discrimination did in fact exist in Morocco, at any rate in that area. Likewise, the information provided in paragraph 80, which spoke of the existence of a Berber culture in the broad sense that was based on religion, traditions and spiritual notions, proved the presence of a Berber ethnic reality. Consequently the Moroccan State should recognize the Berber ethnic group as such and treat it in a manner in conformity with the provisions of the Convention.

46. Concerning article 4, he had taken due note of the information provided by the delegation of Morocco that the Government of Morocco intended to bring national legislation into line with international standards, and he deeply hoped that article 4 of the Convention would be incorporated into Moroccan national legislation at that time.

47. Regarding measures to promote teaching in minority languages in order to reflect the cultural diversity of Morocco, he had taken note with considerable interest of the royal declaration of 1994 recognizing the need to introduce the teaching of Berber dialects.

48. On the general plan, he was prepared to agree that racial discrimination in Morocco might not be widespread, but he reaffirmed the need to make preventive legislation in order to prohibit even isolated racist acts.

49. As to religious freedom, he said that the Committee carefully avoided any confusion between religion and ethnic group, terms which did not necessarily refer to matching realities, and it only discussed the question of religious freedom to the extent that its enjoyment was the target of racial, ethnic or national discrimination.

50. Ms. ZOU reminded the delegation that the provisions of article 4 were binding and that all States parties were required to pass legislation giving them effect. As the information provided in paragraphs 56-60 of the report did not directly deal with measures to combat racial discrimination, the Government of Morocco should consider drafting without delay provisions which were fully consonant with the spirit of the Convention. No country could claim to be totally free of racial discrimination, and Morocco was no exception to that rule.

51. The CHAIRMAN endorsed that opinion.

52. Mr. YUTZIS likewise expressed satisfaction at the productive dialogue between the delegation of Morocco and the Committee and thanked Mr. de Gouttes for his thorough analysis of the report. The information contained therein needed to be fleshed out by more precise statistics concerning, in particular, the proportion of members of the Jewish community that had access to high-level posts and representative bodies (para. 52). Concerning paragraph 51 of the report, he asked why the Moroccan authorities only recognized freedom of worship for monotheistic religions. He asked whether there were plans to broaden that tolerance.

53. Mr. van BOVEN first expressed his satisfaction at the appointment to the post of Prime Minister of Mr. Youssoufi, an ardent defender of human rights whom he had had the privilege of meeting when he had been Secretary-General of the Union des avocats arabes.

54. The assertion in the report that the problem of racial discrimination did not arise in Morocco could not be sufficient for the Committee. Even if it took on "discreet" forms in certain countries, racial discrimination was unfortunately a universal reality. Consequently the creation of a sound legislative framework was an obligation for all States Parties for purposes of punishment in conformity with article 4, and for the purposes of prevention in accordance with article 7.

55. He agreed with the concern expressed by Mr. de Gouttes about missing Sahrawis and looked forward to the delegation's explanation. Among the positive measures he welcomed the real and growing place set aside for Berber culture. Lastly, he called upon the State party to consider making the declaration under article 14 of the Convention and to take the necessary steps for official acceptance of the amendment to article 8, paragraph 6, of the Convention without delay.

56. Ms. SADIQ ALI, acknowledging the quality of the report of Morocco, focused on the domestic unrest which periodically shook the country. To mention just two examples: the security forces had intervened brutally in February 1994 in Fez against radical Muslims and students belonging to left-wing organizations, and in May 1997 the police had used force in an unjustified manner to disperse non-violent demonstrations organized by the Association of Unemployed Degree-Holders, causing many injuries. She asked whether the Government of Morocco had taken measures to remedy the discontent of certain categories of the population, of which those demonstrations were an illustration.

57. Mr. DIACONU pointed out that questions of unemployment and domestic conflicts had nothing to do with the provisions of the Convention which the Committee was responsible for monitoring.

58. The CHAIRMAN agreed with that observation, which also applied to religious questions. He also objected to the insistent calls directed at delegations with regard to article 14 and the desire of certain European countries to impose their values on the rest of the world. All States Parties were aware of the existence of that article and must be free to decide whether or not to make the declaration referred to therein.

59. Ms. SADIQ ALI stressed that the question was not unrelated to the work of the Committee, because it was very likely that a large proportion of the many unemployed degree-holders were of foreign origin.

60. Mr. de GOUTTES pointed out that the unemployment rate could be interpreted as a socio-economic indicator of the lack of integration of certain minority groups in a society. If certain racial or ethnic characteristics were associated with these groups, then the question of unemployment did in fact fall within the purview of the Committee. The same

applied to domestic unrest, which might constitute a threat to the right to security of person and to protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution (article 5 (b) of the Convention).

61. Also, although the declaration under article 14 of the Convention was optional, it was a valuable contribution to the Convention's effective implementation. The assertion that that was a typically European approach was unfounded, because, firstly, the General Assembly itself had urged States to make the declaration and, secondly, the 25 states that had done so included Algeria, Chile, Costa Rica, Ecuador, Peru, the Republic of Korea, Senegal and Uruguay, none of them European countries. Those countries had had the courage to expose themselves to the potential inconveniences of such a commitment in terms of sovereignty and deserved praise.

62. Mr. DIACONU said that he was not insensitive to the arguments put forward but objected to the constant tendency to extend the work of the Committee to areas which did not concern it.

63. Mr. RECHETOV said that countries which made the declaration under article 14 took an additional step towards the most effective possible implementation of the Convention, and the ideal situation would be for all States parties to follow suit. Although it must be recognized that, for historical, cultural and economic reasons, certain articles of the Convention were implemented differently in each country, there were no grounds for alleging that content of article 14 reflected a "European frame of mind".

64. Mr. SHAHI referred to Morocco's commitment, reaffirmed in its Constitution, to universally recognized human rights (para. 17 of the report) and to the creation in 1993 of the Ministry of Human Rights, whose functions included studying all laws and regulations to assess their conformity with human rights principles and propose any necessary adjustments. He requested the Moroccan delegation, when it introduced the next report, to explain in detail what concrete measures had been taken to bring Moroccan domestic law into line with international treaties.

65. Mr. BENJELLOUN TOUIMI (Morocco) said that, as Mr. de Gouttes had seen, there was a need to dispel a misunderstanding concerning a lack of information on various ethnic groups before continuing the dialogue. Although the Moroccan population had in fact emerged from two different ethnic groups, Arabs and Berbers, over the centuries, and as a function of the various dynasties which had governed the country, a number of Berber tribes had taken on Arab characteristics and a number of Arab tribes had taken on Berber characteristics, and even the persons concerned would often have difficulty saying which ethnic group they belonged to. As to the distinction between persons of black African and White African descent, intermingling between those two parts of Africa had been such that a single family might be made up of Blacks and Whites. In Morocco there was a tendency to identify oneself as belonging, for example, to the group of a particular town rather than on the basis of ethnicity or colour. That was why the Moroccan Government did not conduct population censuses on that basis. Also, as far as he knew, no association or NGO had reported any racial discrimination.

66. As to the implementation of article 4, the absence of specific legislation could be explained in the same way; but it was likely that, in the interest of conforming to the instruments to which it was a party and the requirements of modernity, Parliament would add the required provisions to current legislation, as had already been done in the draft labour code.

67. The Committee could appreciate from what had already been said that, there was no urgent need to provide for protection against racial discrimination in Morocco. Priorities were set as a function of the country's urgent needs, and if there was one problem which Morocco was trying to resolve without delay, it was the problem of unemployment to which Ms. Sadiq Ali had referred. It was a fact that education for the school and university population in Morocco was no longer in line with the needs of a modern economy, and that an alarming unemployment rate had resulted. But the Government was aware of that situation and seeking to find solutions through dialogue with the various categories of unemployed persons. Hardly a week passed without the minister of a particular economic sector receiving a delegation. In that connection, he pointed out that the most recent Finance Act provided for a 40 per cent increase in budgetary allocations for the social sector as a whole. The new Government was based on three main pillars; one of them was the Ministry of Solidarity, Employment and Vocational Training, which, owing to its social function, would have a more substantial budget.

68. He assured the Committee that, if it so desired, his delegation would ask the Government to adopt the measures requested to achieve conformity with the provisions of the Convention; the matter would be all the simpler because his country did not consider itself to be targeted.

69. Mr. BELMAHI (Morocco), replying to a number of questions about the judiciary and legislation, said first that the proceedings involving Mr. Abraham Serfati were not over from either a legal or a political point of view. Firstly, since the Supreme Court was not competent to rule on his nationality, he must institute new proceedings in the court of first instance. Secondly, as to the political aspects, the Government intended, as stated in its inaugural declaration, to resolve all pending problems, be it the case of Mr. Serfati, the question of missing persons or the settlement of compensation. To that end, an interministerial committee with a very broad composition had already started its work in cooperation with the Human Rights Advisory Council, and the Minister for Human Rights had explained in Parliament that Committee's objectives and working methods.

70. Turning to the Government's effort to bring Moroccan legislation into line with the international conventions and treaties to which Morocco was a party, he said that that was one of the most important projects of the Government, and in particular of the department responsible for human rights. In fact, it was already planned to create a committee to ensure such conformity, because that was a long-term endeavour, in which texts must be drafted, and above all, their implementation had to be monitored. To that end it was important to remain vigilant and to offer regular training for all persons (judges, magistrates, police officers, etc.) whose duty it was to implement the relevant texts.

71. Mr. BENJELLOUN TOUIMI (Morocco) sought to enlighten the Committee on the question of missing persons and on the Western Sahara.

72. When Morocco had decided to look into the matter of missing persons in general, the Human Rights Advisory Council and a number of human rights protection bodies had entered into contact with the Working Group on Enforced or Involuntary Disappearances; thanks in particular to the lists of missing persons which the Working Group had communicated to them, they had succeeded in elucidating many cases. Others, concerning both Sahrawis and non-Sahrawis, were still unresolved, and work was continuing. In cases in which it proved impossible to find any trace of missing persons, Morocco would most likely issue death certificates and compensate the families, just as other countries had done before Morocco with the agreement of the competent bodies of the United Nations. He hoped that the Committee would appreciate how much had been done to reach a consensus on such sensitive questions. It was important to have a consensus so that the Advisory Council carried the necessary weight when it made a recommendation to the King, and it was clear that if the King instructed the competent authorities to implement a recommendation, that would be done effectively.

73. In the Sahrawi context, the question of missing persons was being used for propaganda purposes. If the truth was really being sought, it was not enough to say that there were hundreds of missing persons. Specific information must be given on each of those individuals, at any rate their names - and sometimes their various names - and the tribal sept or sub-sept to which they belonged so as to be able to ascertain whether they had not died, for example, during the skirmishes which took place prior to the ceasefire. Those who had never returned home had not all necessarily "disappeared". The Working Group on Enforced or Involuntary Disappearances had recognized the difficulty of the undertaking in that area, which was all the greater because some NGOs refused to communicate to it information on "their lists". The Moroccan authorities were fully prepared to settle the problem of the missing persons, whether they were Sahrawis or not.

74. He then turned to the more specific problem of the Western Sahara. The question of the referendum was the subject of a United Nations Security Council settlement plan under which, unlike what usually happened in such cases, the referendum was to be supervised by representatives of the United Nations and held under its auspices. The MINURSO (United Nations Mission for the Referendum in Western Sahara) and the Identification Commission were preparing the event. Having made major concessions on the referendum, Morocco had obtained other prerogatives which should not be criticized, because they merely restored the normal balance between the two parties to the agreement. The preparation of the referendum was particularly complex because the participating population had not yet been determined. For propaganda purposes the Polisario had initially estimated the population at between 500,000 and 1 million persons, but following the adoption of the settlement plan, it had revised its figure downwards to 74,000 - namely, the population counted by the Spanish authorities before the transfer of power from Spain to Morocco - when it had became clear that it would be difficult for it to exercise control over too large a population. MINURSO had been given responsibility for implementing the identification criteria provided in the settlement plan to determine who was Sahrawi and could take part in the

referendum. The task was a difficult one, because the Polisario, on various pretexts, was opposed to allowing persons who, under the settlement rules, belonged to a tribal sub-sept included in the census conducted by Spain to be recognized as Sahrawis and take part in the referendum, fearing that they would favour Morocco.

75. Consequently the referendum planned for 1998 would take place somewhat later, because at least nine months were expected to elapse after the identification of the persons authorized to vote; the length of time which the identification process would take did not depend on Morocco, but on the results of ongoing negotiations between the United Nations and the Polisario.

76. The CHAIRMAN thanked the delegation of Morocco for the competent way in which it had replied to some of the questions of the Committee and invited it to resume the dialogue the next morning.

77. The delegation of Morocco withdrew.

The meeting rose at 6.05 p.m.